

§85.50 PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

73. The SPEAKER presented a petition of Citizens of Washington, D.C., relative to petitioning the United States Congress to take prompt action by enacting legislation to provide the citizens of the District with full voting representation; to the Committee on the Judiciary.

74. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 305 of 1998 expressing its support for the Hudson River Reassessment being conducted by the U.S. EPA under the Superfund, including evaluation of traditional disposal methods as well as innovative technologies that can be used to destroy PCBs; jointly to the Committees on Commerce and Transportation and Infrastructure.

**THURSDAY, SEPTEMBER 10, 1998
(86)**

The House was called to order by the SPEAKER.

§86.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, September 9, 1998.

Pursuant to clause 1, rule I, the Journal was approved.

§86.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

10813. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Official/Unofficial Weighing Service (RIN: 0580-AA55) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10814. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky [KY-104-9818a; FRL-6152-9] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10815. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Yolo-Solano Air Quality Management District [CA 102-0091a; FRL-6150-9] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10816. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Conditional Limited Approval of Major VOC Source RACT and Minor VOC Source Requirements [MD003-3024a, MD025-3024a, MD066-3024a; FRL-6148-9] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10817. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production

[EPA # F-96-P32F-FFFFF; FRL-6134-5] (RIN: 2050-ZA00) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10818. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities Contractors [OPPTS-62158A; FRL-6017-8] (RIN: 2070-AD11) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10819. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Public Water System Program; Removal of Obsolete Rule [FRL-6121-7] received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10820. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Forbearance from Applying Provisions of the Communications Act to Wireless Telecommunications Carriers [WT Docket No. 98-100] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10821. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Old Forge and Newport Village, New York) [MM Docket No. 97-179 RM-9064] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10822. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments FM Broadcast Stations (Redwood, Mississippi) [MM Docket No. 96-231 RM-8903] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10823. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations [MM Docket No. 97-138, RM-8855, RM-8856, RM-8857, RM-8858, RM-8872] received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10824. A letter from the AMD-Performance Evaluation and Records Management, Federal Trade Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Warrenton and Enfield, North Carolina and La Crosse and Powhatan, Virginia) [MM Docket No. 97-229, RM-9100, RM-9231] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10825. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Guides for the Feather and Down Products Industry [16 CFR Part 253] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10826. A letter from the Policy and Regulations Specialist, Fish and Wildlife Service, transmitting the Service's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C & Subpart D—1998-1999 Subsistence Taking of Fish and Wildlife Regulations; Correcting Amendments (RIN: 1018-AE12) received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10827. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector [Docket No. 971229312-7312-01; I.D. 072798A] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10828. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—National Marine Sanctuary Program Regulations; Florida Keys National Marine Sanctuary Regulations; Anchoring on Tortugas Bank [Docket 971014245-8190-03] (RIN: 0648-AK45) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10829. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Technical Amendment [Docket No. 980716182-8182-01; I.D. 062298C] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10830. A letter from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Miscellaneous Changes to Trademark Trial and Appeal Board Rules [Docket No. 970428100-8199-03] (RIN: 0651-AA87) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10831. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice 98-41 received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10832. A letter from the Senior Attorney, Copyright Office, The Library of Congress, transmitting Activities under the Freedom of Information Act for calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

§86.3 DECORUM IN DEBATE

The SPEAKER addressed the question of the decorum in the House and said:

"With the concurrence of the Minority Leader, the Chair would take this occasion to make an announcement regarding proper decorum during debate in the House, including one-minute and special-order speeches, specifically with regard to references to the President of the United States.

"As indicated in section 17 of Jefferson's Manual, which under rule XLII is incorporated as a part of the Rules of the House, Members engaging in debate must abstain from language that is personally offensive toward the President, including references to various types of unethical behavior.

"Rulings in this Congress, which will be annotated in the accompanying section 370 of the House Rules and Manual, include references to alleged criminal conduct. This documented restriction extends to referencing extraneous material personally abusive of the President that would be improper if spoken as the Member's own words.

"Occupants of the Chair in this Congress and in prior Congresses have con-

sistently adhered to this principle regarding the present and past Presidents.

"While several rulings by the Chair in this Congress may have predated certain public acknowledgments by the President, and while the standard in Jefferson's Manual has been held not to apply in the other body, it is essential that the constraint against such remarks in ordinary debate continue to apply in the House.

"On January 27, 1909, the House adopted a report in response to improper references in debate to the President. That report read in part as follows:

The freedom of speech in debate in the House of Representatives should never be denied or abridged, but freedom of speech in debate does not mean license to indulge in personal abuses or ridicule. The right of Members of the two Houses of Congress to criticize the official acts of the President and other executive officers is beyond question, but this right is subject to proper rules requiring decorum in debate. Such right of criticism is inherent upon legislative authority.

The right to legislate involves the right to consider conditions as they are and to contrast present conditions with those of the past or those desired in the future. The right to correct abuses by legislation carries the right to consider and discuss abuses which exist or which are feared.

It is * * * the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members or antagonism from those other branches of the Government with which the House is correlated.

"This is recorded in Cannon's Precedents, volume 8, at section 2497, and is quoted in section 370 of the House Rules and Manual.

"In addition to relying on the precedents of the House, the Chair would comment on the importance of comity and integrity of debate in the House in an electronic age. Debates in the House were not broadcast by radio or television before 1978. There were correspondingly fewer occasions when Members were called to order for improper personal references to Presidents. In 1974, there were no allegations of personal misconduct on the part of the President called to order on the floor before or during proceedings in executive session of the Committee on the Judiciary.

"Indeed, it is only during the actual pendency of proceedings in impeachment as the pending business on the Floor of the House that remarks in debate may include references to personal misconduct on the part of the President.

"While an inquiry is under way in committee, the committee is the proper forum for examination and debate of such allegations. In the meantime, it is incumbent on the House to conduct its other business, again quoting from the action of the House in 1909, 'in an orderly manner and without unnecessarily and unduly exciting animosity

among its Members or antagonism from those other branches of the Government with which the House is correlated.'

"This is not to say that the President is beyond criticism in debate, or that Members are prohibited from expressing opinions about executive policy or competence to hold office. It is permissible in debate to challenge the President on matters of policy. The difference is one between political criticism and personally offensive criticism. For example, a Member may assert in debate that an incumbent President is not worthy of reelection, but in doing so should not allude to personal misconduct. By extension, a Member may assert in debate that the House should conduct an inquiry, or that a President should not remain in office. What the rule of decorum requires is that the oratory remain above personality and refrain from terms personally offensive.

"When an impeachment matter is not pending on the floor, a Member who feels a need to dwell on personal factual bases underlying the rationale on which he might question the fitness or competence of an incumbent President must do so in other forums, while conforming his remarks in debate to the more rigorous standard of decorum that must prevail in this Chamber.

"The Chair will enforce this rule of decorum with respect to references to the President, and asks and expects the cooperation of all Members in maintaining a level of decorum that properly dignifies the proceedings of the House."

186.4 PROVIDING FOR THE CONSIDERATION OF H.R. 2863

Mr. DIAZ-BALART, by direction of the Committee on Rules, called up the following resolution (H. Res. 521):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone

until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. DIAZ-BALART, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

186.5 MIGRATORY BIRD TREATY REFORM

The SPEAKER pro tempore, Mr. DIAZ-BALART, pursuant to House Resolution 521 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2863) to amend the Migratory Bird Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes.

The SPEAKER pro tempore, Mr. DIAZ-BALART, by unanimous consent, designated Mrs. EMERSON as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. DIAZ-BALART, assumed the Chair.

When Mrs. EMERSON, Chairman, pursuant to House Resolution 521, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Migratory Bird Treaty Reform Act of 1998".

SEC. 2. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of

causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.”.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. DIAZ-BALART, announced that the yeas had it.

Mr. SAXTON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 322
Nays 90

§86.6

[Roll No. 420]

YEAS—322

Ackerman	Davis (VA)	Hooley
Aderholt	Deal	Horn
Allen	DeFazio	Hostettler
Archer	DeLay	Houghton
Armey	Deutsch	Hoyer
Bachus	Diaz-Balart	Hulshof
Baesler	Dickey	Hunter
Baker	Dicks	Hutchinson
Baldacci	Dingell	Hyde
Ballenger	Doggett	Inglis
Barr	Dooley	Istook
Barrett (NE)	Doolittle	Jefferson
Bartlett	Doyle	Jenkins
Barton	Dreier	John
Bass	Duncan	Johnson (WI)
Bateman	Edwards	Johnson, Sam
Bentsen	Ehlers	Jones
Bereuter	Ehrlich	Kanjorski
Bilbray	Emerson	Kaptur
Bilirakis	English	Kasich
Bishop	Ensign	Kelly
Bliley	Etheridge	Kilpatrick
Blunt	Everett	Kim
Boehlert	Ewing	Kind (WI)
Boehner	Fawell	King (NY)
Bonilla	Fazio	Kingston
Bono	Foley	Klecicka
Borski	Forbes	Klink
Boswell	Fossella	Klug
Boucher	Fowler	Knollenberg
Boyd	Fox	Kolbe
Brady (TX)	Franks (NJ)	LaHood
Brown (CA)	Frelinghuysen	Lampson
Bryant	Frost	Largent
Bunning	Gallegly	Latham
Burr	Ganske	LaTourette
Burton	Gejdenson	Lazio
Buyer	Gekas	Leach
Callahan	Gephardt	Levin
Calvert	Gibbons	Lewis (CA)
Camp	Gilchrest	Lewis (KY)
Canady	Gillmor	Linder
Cannon	Gilman	Lipinski
Capps	Goode	Livingston
Carson	Goodlatte	LoBiondo
Castle	Goodling	Lucas
Chabot	Gordon	Luther
Chambliss	Goss	Manton
Chenoweth	Graham	Manzullo
Christensen	Granger	Mascara
Clement	Green	McCarthy (MO)
Coble	Greenwood	McCarthy (NY)
Coburn	Gutknecht	McCollum
Collins	Hall (OH)	McCrery
Combest	Hall (TX)	McDermott
Condit	Hamilton	McHale
Conyers	Hansen	McHugh
Cook	Harman	McInnis
Cooksey	Hastert	McIntosh
Costello	Hastings (WA)	McIntyre
Cox	Hayworth	McKeon
Coyne	Hefley	Menendez
Cramer	Herger	Metcalf
Crane	Hill	Mica
Crapo	Hilleary	Miller (FL)
Cubin	Hilliard	Minge
Cummings	Hinojosa	Mink
Cunningham	Hobson	Mollohan
Danner	Hoekstra	Moran (KS)
Davis (FL)	Holden	Murtha

Myrick	Roemer	Spence
Nethercutt	Rogan	Spratt
Neumann	Rogers	Stabenow
Ney	Rohrabacher	Stearns
Northup	Ros-Lehtinen	Stenholm
Norwood	Roukema	Strickland
Nussle	Royce	Stump
Obey	Ryun	Stupak
Ortiz	Salmon	Sununu
Oxley	Sanchez	Talent
Packard	Sanders	Tanner
Pappas	Sandlin	Taylor (MS)
Parker	Sanford	Taylor (NC)
Pastor	Sawyer	Thomas
Paul	Saxton	Thompson
Pease	Scarborough	Thornberry
Peterson (MN)	Schaefer, Dan	Thune
Peterson (PA)	Schaffer, Bob	Thurman
Petri	Scott	Tiahrt
Pickering	Sensenbrenner	Trafigant
Pickett	Sessions	Turner
Pitts	Shaw	Upton
Pombo	Shimkus	Walsh
Pomeroy	Shuster	Wamp
Porter	Sisisky	Watkins
Portman	Skaggs	Watts (OK)
Price (NC)	Skeen	Weldon (FL)
Quinn	Skelton	Weldon (PA)
Radanovich	Smith (MI)	Weller
Rahall	Smith (NJ)	White
Ramstad	Smith (OR)	Whitfield
Rangel	Smith (TX)	Wicker
Redmond	Smith, Adam	Wilson
Regula	Smith, Linda	Wise
Reyes	Snowbarger	Wolf
Riggs	Snyder	Young (FL)
Riley	Solomon	
Rodriguez	Souder	

NAYS—90

Abercrombie	Jackson (IL)	Oberstar
Andrews	Jackson-Lee	Olver
Barrett (WI)	(TX)	Owens
Becerra	Johnson (CT)	Pallone
Berman	Johnson, E. B.	Pascarell
Blagojevich	Kennedy (RI)	Payne
Blumenauer	Kildee	Pelosi
Bonior	Kucinich	Rivers
Brady (PA)	LaFalce	Rothman
Brown (FL)	Lantos	Roybal-Allard
Brown (OH)	Lee	Sabo
Campbell	Lewis (GA)	Serrano
Cardin	Lofgren	Shays
Clay	Lowey	Sherman
Clayton	Maloney (CT)	Slaughter
Clyburn	Maloney (NY)	Stark
Davis (IL)	Markey	Tauscher
DeGette	Martinez	Tierney
Delahunt	Matsui	Torres
DeLauro	McGovern	Velazquez
Dixon	McKinney	Vento
Eshoo	McNulty	Visclosky
Evans	Meehan	Waters
Farr	Meek (FL)	Watt (NC)
Fattah	Meeks (NY)	Waxman
Filner	Millender	Wexler
Ford	McDonald	Weygand
Frank (MA)	Miller (CA)	Woolsey
Gutierrez	Moran (VA)	Wynn
Hastings (FL)	Nadler	Yates
Hinchee	Neal	

NOT VOTING—22

Barcia	Kennelly	Schumer
Berry	McDade	Shadegg
Dunn	Moakley	Stokes
Engel	Morella	Tauzin
Furse	Paxon	Towns
Gonzalez	Poshard	Young (AK)
Hefner	Pryce (OH)	
Kennedy (MA)	Rush	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

§86.7 PROVIDING FOR THE
CONSIDERATION OF H.R. 2538

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 522):

Resolved, That at any time after the adoption of this resolution the Speaker may, pur-

suant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the treaty. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, modified by striking the last two sentences of subsection (c) of section 6. Each section of that amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

§86.8 GUADALUPE-HIDALGO TREATY
LAND CLAIMS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to House Resolution 522 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2538) to establish a Presidential commission to deter-

mine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, by unanimous consent, designated Mrs. EMERSON as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. BLUNT, assumed the Chair.

When Mrs. EMERSON, Chairman, pursuant to House Resolution 522, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Guadalupe-Hidalgo Treaty Land Claims Act of 1998”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions and findings.
- Sec. 3. Establishment and membership of Commission.
- Sec. 4. Examination of land claims.
- Sec. 5. Community Land Grant Study Center.
- Sec. 6. Miscellaneous powers of Commission.
- Sec. 7. Report.
- Sec. 8. Termination.
- Sec. 9. Authorization of appropriations.

SEC. 2. DEFINITIONS AND FINDINGS.

(a) **DEFINITIONS.**—For purposes of this Act:

(1) **COMMISSION.**—The term “Commission” means the Guadalupe-Hidalgo Treaty Land Claims Commission established under section 3.

(2) **TREATY OF GUADALUPE-HIDALGO.**—The term “Treaty of Guadalupe-Hidalgo” means the Treaty of Peace, Friendship, Limits, and Settlement (Treaty of Guadalupe Hidalgo), between the United States and the Republic of Mexico, signed February 2, 1848 (TS 207; 9 Bevans 791).

(3) **ELIGIBLE DESCENDANT.**—The term “eligible descendant” means a descendant of a person who—

(A) was a Mexican citizen before the Treaty of Guadalupe-Hidalgo;

(B) was a member of a community land grant; and

(C) became a United States citizen within ten years after the effective date of the Treaty of Guadalupe-Hidalgo, May 30, 1848, pursuant to the terms of the Treaty.

(4) **COMMUNITY LAND GRANT.**—The term “community land grant” means a village, town, settlement, or pueblo consisting of land held in common (accompanied by lesser private allotments) by three or more families under a grant from the King of Spain (or his representative) before the effective date of the Treaty of Cordova, August 24, 1821, or from the authorities of the Republic of Mexico before May 30, 1848, in what became the State of New Mexico, regardless of the original character of the grant.

(5) **RECONSTITUTED.**—The term “reconstituted”, with regard to a valid community land grant, means restoration to full status

as a municipality with rights properly belonging to a municipality under State law and the right of local self-government.

(b) **FINDINGS.**—Congress finds the following:

(1) New Mexico has a unique history regarding the acquisition of ownership of land as a result of the substantial number of Spanish and Mexican land grants that were an integral part of the colonization and growth of New Mexico before the United States acquired the area in the Treaty of Guadalupe-Hidalgo.

(2) Various provisions of the Treaty of Guadalupe-Hidalgo have not yet been fully implemented in the spirit of Article VI, section 2, of the Constitution of the United States.

(3) Serious questions regarding the prior ownership of lands in the State of New Mexico, particularly certain public lands, still exist.

(4) Congressionally established land claim commissions have been used in the past to successfully examine disputed land possession questions.

SEC. 3. ESTABLISHMENT AND MEMBERSHIP OF COMMISSION.

(a) **ESTABLISHMENT.**—There is established a commission to be known as the “Guadalupe-Hidalgo Treaty Land Claims Commission”.

(b) **NUMBER AND APPOINTMENT OF MEMBERS.**—The Commission shall be composed of five members appointed by the President by and with the advice and consent of the Senate. At least two of the members of the Commission shall be selected from among persons who are eligible descendants.

(c) **TERMS.**—Each member shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) **COMPENSATION.**—Members shall each be entitled to receive the daily equivalent of level V of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

SEC. 4. EXAMINATION OF LAND CLAIMS.

(a) **SUBMISSION OF LAND CLAIMS PETITIONS.**—Any three (or more) eligible descendants who are also descendants of the same community land grant may file with the Commission a petition on behalf of themselves and all other descendants of that community land grant seeking a determination of the validity of the land claim that is the basis for the petition.

(b) **DEADLINE FOR SUBMISSION.**—To be considered by the Commission, a petition under subsection (a) must be received by the Commission not later than five years after the date of the enactment of this Act.

(c) **ELEMENTS OF PETITION.**—A petition under subsection (a) shall be made under oath and shall contain the following:

(1) The names and addresses of the eligible descendants who are petitioners.

(2) The fact that the land involved in the petition was a community land grant at the time of the effective date of the Guadalupe-Hidalgo Treaty.

(3) The extent of the community land grant, to the best of the knowledge of the petitioners, accompanied with a survey or, if a survey is not feasible to them, a sketch map thereof.

(4) The fact that the petitioners reside, or intend to settle upon, the community land grant.

(5) All facts known to petitioners concerning the community land grant, together with copies of all papers in regard thereto available to petitioners.

(d) **PETITION HEARING.**—At one or more designated locations in the State of New Mexico, the Commission shall hold a hearing

upon each petition timely submitted under subsection (a), at which hearing all persons having an interest in the land involved in the petition shall have the right, upon notice, to appear as a party.

(e) SUBPOENA POWER.—

(1) **IN GENERAL.**—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any petition submitted under subsection (a). The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the State of New Mexico.

(2) **FAILURE TO OBEY A SUBPOENA.**—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) **SERVICE OF SUBPOENAS.**—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) **SERVICE OF PROCESS.**—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) **DECISION.**—On the basis of the facts contained in a petition submitted under subsection (a), and the hearing held with regard to the petition, the Commission shall determine the validity of the community land grant described in the petition. The decision shall include a recommendation of the Commission regarding whether the community land grant should be reconstituted and its lands restored.

(g) **PROTECTION OF NON-FEDERAL PROPERTY.**—The decision of the Commission regarding the validity of a petition submitted under subsection (a) shall not affect the ownership, title, or rights of owners of any non-Federal lands covered by the petition. Any recommendation of the Commission under subsection (f) regarding whether a community land grant should be reconstituted and its lands restored may not address non-Federal lands. In the case of a valid petition covering lands held in non-Federal ownership, the Commission shall modify the recommendation under subsection (f) to recommend the substitution of comparable Federal lands in the State of New Mexico for the lands held in non-Federal ownership.

SEC. 5. COMMUNITY LAND GRANT STUDY CENTER.

To assist the Commission in the performance of its activities under section 4, the Commission shall establish a Community Land Grant Study Center at the Onate Center in Alcalde, New Mexico. The Commission shall be charged with the responsibility of directing the research, study, and investigations necessary for the Commission to perform its duties under this Act.

SEC. 6. MISCELLANEOUS POWERS OF COMMISSION.

(a) **HEARINGS AND SESSIONS.**—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if

authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

SEC. 7. REPORT.

As soon as practicable after reaching its last decision under section 4, the Commission shall submit to the President and the Congress a report containing each decision, including the recommendation of the Commission regarding whether certain community land grants should be reconstituted, so that the Congress may act upon the recommendations.

SEC. 8. TERMINATION.

The Commission shall terminate on 180 days after submitting its final report under section 7.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$1,000,000 for each of the fiscal years 1999 through 2007 for the purpose of carrying out the activities of the Commission and to establish and operate the Community Land Grant Study Center under section 5.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. BLUNT, announced that the yeas had it.

Mr. MILLER of California objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 223
Nays 187

§86.9

[Roll No. 421]

YEAS—223

Aderholt	Bryant	Cook
Archer	Bunning	Cooksey
Armey	Burr	Cox
Bachus	Burton	Crane
Baker	Buyer	Crapo
Ballenger	Callahan	Cubin
Barrett (NE)	Calvert	Cunningham
Bartlett	Camp	Davis (IL)
Barton	Campbell	Davis (VA)
Bass	Canady	Deal
Bateman	Castle	DeLay
Bereuter	Chabot	Diaz-Balart
Bilbray	Chambliss	Dickey
Bilirakis	Chenoweth	Dixon
Bliley	Christensen	Doolittle
Blunt	Coble	Dreier
Boehlert	Cornub	Duncan
Boehner	Collins	Dunn
Bonilla	Combest	Ehlers
Bono	Condit	Ehrlich
Brady (TX)	Conyers	Emerson

English	Kolbe	Rohrabacher
Ensign	Latham	Ros-Lehtinen
Everett	LaTourette	Roukema
Ewing	Lazio	Ryun
Fawell	Leach	Saxton
Foley	Lewis (CA)	Scarborough
Forbes	Lewis (KY)	Schaefer, Dan
Fossella	Linder	Schaffer, Bob
Fowler	Livingston	Sensenbrenner
Fox	LoBiondo	Serrano
Franks (NJ)	Lucas	Sessions
Frelinghuysen	Manzullo	Shaw
Gallely	McCollum	Shays
Gekas	McCrary	Shimkus
Gibbons	McHugh	Shuster
Gilchrist	McInnis	Skeen
Gillmor	McIntosh	Smith (MI)
Gilman	McKeon	Smith (NJ)
Gingrich	Metcalfe	Smith (OR)
Goodling	Mica	Smith (TX)
Goss	Miller (FL)	Smith, Linda
Graham	Moran (KS)	Snowbarger
Granger	Morella	Solomon
Greenwood	Myrick	Souder
Gutknecht	Nethercutt	Spence
Hansen	Neumann	Stearns
Hastert	Ney	Stump
Hastings (WA)	Northup	Sununu
Hayworth	Norwood	Talent
Hefley	Nussle	Taylor (NC)
Herger	Oxley	Thomas
Hill	Packard	Thornberry
Hillery	Pappas	Thune
Hobson	Parker	Tiahrt
Hoekstra	Paul	Torres
Horn	Paxon	Traficant
Hostettler	Pease	Visclosky
Houghton	Peterson (PA)	Walsh
Hulshof	Petri	Wamp
Hunter	Pickering	Waters
Hutchinson	Pickett	Watkins
Hyde	Pitts	Watts (OK)
Inglis	Pombo	Weldon (FL)
Istook	Porter	Weldon (PA)
Jenkins	Portman	Weller
Johnson (CT)	Quinn	White
Johnson, Sam	Radanovich	Whitfield
Jones	Rangel	Wicker
Kelly	Redmond	Wilson
Kim	Regula	Wolf
King (NY)	Riggs	Yates
Kingston	Riley	Young (FL)
Klug	Rogan	
Knollenberg	Rogers	

NAYS—187

Abercrombie	Engel	Kucinich
Ackerman	Eshoo	LaFalce
Allen	Etheridge	Lampson
Andrews	Evans	Lantos
Baessler	Farr	Largent
Baldacci	Fattah	Lee
Barr	Fazio	Levin
Barrett (WI)	Filner	Lewis (GA)
Becerra	Ford	Lipinski
Bentsen	Frank (MA)	Lofgren
Berman	Frost	Lowe
Bishop	Ganske	Luther
Blagojevich	Gejdenson	Maloney (CT)
Blumenauer	Goode	Maloney (NY)
Bonior	Goodlatte	Manton
Borski	Gordon	Markey
Boswell	Green	Martinez
Boucher	Gutierrez	Mascara
Boyd	Hall (OH)	Matsui
Brady (PA)	Hall (TX)	McCarthy (MO)
Brown (FL)	Hamilton	McCarthy (NY)
Brown (OH)	Harman	McDermott
Capps	Hastings (FL)	McGovern
Cardin	Hilliard	McHale
Carson	Hinchey	McIntyre
Clay	Hinojosa	McKinney
Clayton	Holden	McNulty
Clement	Hooley	Meehan
Clyburn	Hoyer	Meek (FL)
Costello	Jackson (IL)	Meeks (NY)
Coyne	Jackson-Lee	Menendez
Cramer	(TX)	Millender-
Cummings	Jefferson	McDonald
Danner	John	Miller (CA)
Davis (FL)	Johnson (WI)	Minge
DeFazio	Johnson, E. B.	Mink
DeGette	Kanjorski	Mollohan
DeLahunt	Kaptur	Moran (VA)
DeLauro	Kennedy (RI)	Murtha
Deutsch	Kildee	Nadler
Dicks	Kilpatrick	Neal
Doggett	Kind (WI)	Oberstar
Doyle	Kleczka	Obey
Edwards	Klink	Olver

Ortiz	Sabo	Stokes
Owens	Salmon	Strickland
Pallone	Sanchez	Stupak
Pascarella	Sanders	Tanner
Pastor	Sandlin	Tauscher
Payne	Sanford	Taylor (MS)
Pelosi	Sawyer	Thompson
Peterson (MN)	Scott	Thurman
Pomeroy	Shadegg	Tierney
Price (NC)	Sherman	Turner
Rahall	Skaggs	Upton
Ramstad	Skelton	Velazquez
Reyes	Slaughter	Vento
Rivers	Smith, Adam	Watt (NC)
Rodriguez	Snyder	Waxman
Roemer	Spratt	Wexler
Rothman	Stabenow	Weygand
Roybal-Allard	Stark	Woolsey
Royce	Stenholm	Wynn

NOT VOTING—25

Barcia	Hefner	Rush
Berry	Kasich	Schumer
Brown (CA)	Kennedy (MA)	Sisisky
Cannon	Kennelly	Tauzin
Dingell	LaHood	Towns
Dooley	McDade	Wise
Furse	Moakley	Young (AK)
Gephardt	Poshard	
Gonzalez	Pryce (OH)	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

§86.10 PROVIDING FOR THE

CONSIDERATION OF H.R. 3892

Mr. GOSS, by direction of the Committee on Rules, called up the following resolution (H. Res. 516):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3892) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours and, thereafter, as provided in section 2 of this resolution. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII, if offered by Representative Riggs of California or his designee. That amendment shall be considered as read, be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the provisions of the amendment in the nature of a substitute as then perfected shall be considered as original text for the purpose of further amendment under the five-minute rule. After disposition of the amendment numbered 1, it shall be in order to consider the amendment printed in the Congressional Record and numbered 2 pursu-

ant to clause 6 of rule XXIII, if offered by Representative Riggs of California or his designee, which shall be considered as read. That amendment and all amendments thereto shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment under the five minute rule for three hours pursuant to the first section of this resolution, no further amendment to the amendment in the nature of a substitute made in order as original text shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Each further amendment may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. Each further amendment and all amendments thereto shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

When said resolution was considered. After debate,

On motion of Mr. GOSS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

§86.11 INTELLIGENCE AUTHORIZATION

On motion of Mr. GOSS, by unanimous consent and pursuant to clause 1 of rule XX, the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. GOSS, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the

Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

Thereupon, the SPEAKER pro tempore, Mr. SUNUNU, by unanimous consent, appointed the following Members as managers on the part of the House at said conference:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. GOSS, YOUNG of Florida, LEWIS of California, SHUSTER, MCCOLLUM, CASTLE, BOEHLERT, BASS, GIBBONS, DICKS, DIXON, SKAGGS, Ms. PELOSI, Ms. HARMAN, Messrs. SKELTON and BISHOP.

From the Committee on National Security, for consideration of the House bill and Senate amendment, and modifications committed to conference:

Messrs. SPENCE, STUMP and Ms. SANCHEZ.

Ordered, That the Clerk notify the Senate thereof.

§86.12 ENGLISH LANGUAGE FLUENCY

The SPEAKER pro tempore, Mr. SUNUNU, pursuant to House Resolution 516 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3892) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes.

The SPEAKER pro tempore, Mr. SUNUNU, by unanimous consent, designated Mr. LAHOOD as Chairman of the Committee of the Whole; and after some time spent therein,

§86.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MARTINEZ to the amendment submitted by Mr. RIGGS:

Amendment submitted by Mr. MARTINEZ:

In the matter proposed to be inserted by the amendment on page 17, after line 3, of the bill, strike "learners." and insert "learners, except if necessary for the eligible entity to comply with Federal law (including a Federal court order)."

Amendment submitted by Mr. RIGGS:

Page 16, line 16, strike "and".

Page 17, line 3, strike "students." and insert "students; and".

Page 17, after line 3, insert the following:

"(F) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English language learners."

It was decided in the { Yeas 205
negative } Nays 208

§86.14 [Roll No. 422]

AYES—205

Abercrombie
Ackerman
Allen

Andrews
Baesler
Baldacci

Barrett (WI)
Becerra
Bentsen

Berman
Bilirakis
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey

Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar

Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Redmond
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—208

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallagher
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hutchinson

Hyde	Neumann	Shaw
Inglis	Northup	Shays
Istook	Norwood	Shimkus
Jenkins	Nussle	Shuster
Johnson, Sam	Oxley	Smith (MI)
Jones	Packard	Smith (NJ)
Kasich	Pappas	Smith (OR)
Kelly	Parker	Smith (TX)
Kim	Paul	Smith, Linda
King (NY)	Paxon	Snowbarger
Kingston	Pease	Solomon
Klug	Peterson (PA)	Souder
Knollenberg	Petri	Spence
Kolbe	Pickering	Stearns
LaHood	Pickett	Stump
Latham	Pitts	Sununu
LaTourette	Pombo	Talent
Lazio	Porter	Taylor (NC)
Lewis (KY)	Portman	Thomas
Linder	Quinn	Thornberry
Lipinski	Radanovich	Thune
Livingston	Regula	Tiahrt
LoBiondo	Riggs	Upton
Lucas	Riley	Walsh
Manzullo	Rogan	Wamp
McCollum	Rogers	Watkins
McCrery	Rohrabacher	Watts (OK)
McDade	Roukema	Weldon (FL)
McHugh	Royce	Weldon (PA)
McInnis	Ryun	Weller
McIntosh	Salmon	White
McKeon	Sanford	Whitfield
Metcalf	Saxton	Wicker
Mica	Schaefer, Dan	Wilson
Miller (FL)	Schaffer, Bob	Wolf
Moran (KS)	Sensenbrenner	Young (FL)
Myrick	Sessions	
Nethercutt	Shadegg	

NOT VOTING—21

Archer	Gonzalez	Pryce (OH)
Barcia	Hunter	Scarborough
Berry	Johnson, E. B.	Schumer
Burr	Kennelly	Tauzin
Ehrlich	Largent	Towns
Furse	McGovern	Wise
Gephardt	Poshard	Young (AK)

So the amendment was not agreed to.

86.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the foregoing amendment submitted by Mr. RIGGS:

It was decided in the { Yeas 230
affirmative } Nays 184

86.16 [Roll No. 423]
AYES—230

Aderholt	Chenoweth	Galleghy
Archer	Christensen	Ganske
Armey	Coble	Gekas
Bachus	Coburn	Gibbons
Baesler	Collins	Gilchrest
Baker	Combest	Gillmor
Ballenger	Cook	Gilman
Barr	Cooksey	Goode
Barrett (NE)	Cox	Goodlatte
Bartlett	Cramer	Goodling
Barton	Crane	Goss
Bass	Crapo	Graham
Bateman	Cubin	Granger
Bereuter	Cunningham	Greenwood
Bilbray	Danner	Gutknecht
Bilirakis	Davis (VA)	Hall (TX)
Bliley	Deal	Hansen
Blunt	DeLay	Hastert
Boehlert	Dickey	Hastings (WA)
Boehner	Doolittle	Hayworth
Bonilla	Dreier	Hefley
Bono	Duncan	Herger
Boyd	Dunn	Hill
Brady (TX)	Ehlers	Hilleary
Bryant	Emerson	Hobson
Bunning	English	Hoekstra
Burton	Ensign	Horn
Buyer	Everett	Hostettler
Callahan	Ewing	Houghton
Calvert	Fawell	Hulshof
Camp	Foley	Hunter
Campbell	Forbes	Hutchinson
Canady	Fossella	Hyde
Cannon	Fowler	Inglis
Castle	Fox	Istook
Chabot	Franks (NJ)	Jenkins
Chambliss	Frelinghuysen	John

Johnson (CT)	Norwood	Shimkus
Johnson, Sam	Nussle	Shuster
Jones	Packard	Sisisky
Kasich	Pappas	Skeen
Kelly	Parker	Smith (MI)
Kim	Paul	Smith (NJ)
King (NY)	Paxon	Smith (OR)
Kingston	Pease	Smith (TX)
Klug	Peterson (MN)	Smith, Linda
Knollenberg	Peterson (PA)	Snowbarger
Kolbe	Petri	Solomon
LaHood	Pickering	Souder
Latham	Pickett	Spence
LaTourette	Pitts	Stearns
Lazio	Pombo	Stenholm
Leach	Porter	Stump
Lewis (CA)	Portman	Sununu
Lewis (KY)	Quinn	Talent
Linder	Radanovich	Taylor (MS)
Lipinski	Ramstad	Taylor (NC)
Livingston	Redmond	Thomas
LoBiondo	Regula	Thornberry
Lucas	Riggs	Thune
Manzullo	Riley	Tiahrt
McCollum	Rogan	Trafficant
McCrery	Rogers	Upton
McDade	Rohrabacher	Walsh
McHugh	Roukema	Wamp
McInnis	Royce	Watkins
McIntosh	Ryun	Watts (OK)
McIntyre	Salmon	Weldon (FL)
McKeon	Sanford	Weldon (PA)
Metcalf	Saxton	Weller
Mica	Schaefer, Dan	White
Miller (FL)	Schaffer, Bob	Whitfield
Moran (KS)	Sensenbrenner	Wicker
Myrick	Sessions	Wilson
Nethercutt	Shadegg	Wolf
Neumann	Shaw	Young (FL)
Northup	Shays	

NOES—184

Abercrombie	Gordon	Minge
Ackerman	Green	Mink
Allen	Gutierrez	Moakley
Andrews	Hall (OH)	Mollohan
Baldacci	Hamilton	Moran (VA)
Barrett (WI)	Harman	Morella
Becerra	Hastings (FL)	Murtha
Bentsen	Hefner	Nadler
Berman	Hilliard	Neal
Bishop	Hinchey	Ney
Blagojevich	Hinojosa	Oberstar
Blumenauer	Holden	Obey
Bonior	Hooley	Olver
Borski	Hoyer	Ortiz
Boswell	Jackson (IL)	Owens
Boucher	Jackson-Lee	Oxley
Brady (PA)	(TX)	Pallone
Brown (CA)	Jefferson	Pascarell
Brown (FL)	Johnson (WI)	Pastor
Brown (OH)	Kanjorski	Payne
Capps	Kaptur	Pelosi
Cardin	Kennedy (MA)	Pomeroy
Carson	Kennedy (RI)	Price (NC)
Clay	Kildee	Rahall
Clayton	Kilpatrick	Rangel
Clement	Kind (WI)	Reyes
Clyburn	Klecza	Rivers
Condit	Klink	Rodriguez
Conyers	Kucinich	Roemer
Costello	LaFalce	Ros-Lehtinen
Coyne	Lampson	Rothman
Cummings	Lantos	Roybal-Allard
Davis (FL)	Lee	Rush
Davis (IL)	Levin	Sabo
DeFazio	Lewis (GA)	Sanchez
DeGette	Lofgren	Sanders
Delahunt	Lowey	Sandlin
DeLauro	Luther	Sawyer
Deutsch	Maloney (CT)	Scott
Diaz-Balart	Maloney (NY)	Serrano
Dicks	Manton	Sherman
Dingell	Markey	Skaggs
Dixon	Martinez	Skelton
Doggett	Mascara	Slaughter
Dooley	Matsui	Smith, Adam
Doyle	McCarthy (MO)	Snyder
Edwards	McCarthy (NY)	Spratt
Engel	McDermott	Stabenow
Eshoo	McHale	Stark
Evans	McKinney	Stokes
Farr	McNulty	Strickland
Fattah	Meehan	Stupak
Fazio	Meek (FL)	Tanner
Filner	Meeks (NY)	Tauscher
Ford	Menendez	Thompson
Frank (MA)	Millender	Thurman
Frost	McDonald	Tierney
Gejdenson	Miller (CA)	Torres

Turner	Waters	Weygand
Velazquez	Watt (NC)	Woolsey
Vento	Waxman	Wynn
Visclosky	Wexler	Yates

NOT VOTING—20

Barcia	Gonzalez	Scarborough
Berry	Johnson, E. B.	Schumer
Burr	Kennelly	Tauzin
Ehrlich	Largent	Towns
Etheridge	McGovern	Wise
Furse	Poshard	Young (AK)
Gephardt	Pryce (OH)	

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. GUTKNECHT, assumed the Chair.

When Mr. LAHOOD, Chairman, pursuant to House Resolution 516, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. ENGLISH LANGUAGE EDUCATION.

Part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended to read as follows:

“PART A—ENGLISH LANGUAGE EDUCATION

“SEC. 7101. SHORT TITLE.

“This part may be cited as the ‘English Language Fluency Act’.

“SEC. 7102. FINDINGS AND PURPOSES.

“(a) FINDINGS.—The Congress finds as follows:

“(1) English is the common language of the United States and every citizen and other person residing in the United States should have a command of the English language in order to develop to their full potential.

“(2) States and local school districts need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to immigrant children and youth and children and youth who need special assistance because English is not their dominant language.

“(b) PURPOSES.—The purposes of this part are—

“(1) to help ensure that children and youth who are English language learners master English and develop high levels of academic attainment in English; and

“(2) to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to help immigrant children and youth with their transition into society, including mastery of the English language.

“SEC. 7103. PARENTAL NOTIFICATION AND CONSENT TO PARTICIPATE.

“(a) IN GENERAL.—A parent or the parents of a child participating in an English language instruction program for English language learners assisted under this Act shall be informed of—

“(1) the reasons for the identification of the child as being in need of English language instruction;

“(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement; and

“(3) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation.

“(b) PARENTAL CONSENT.—

“(1) IN GENERAL.—A parent or the parents of a child who is an English language learner and is identified for participation in an

English language instruction program assisted under this Act—

“(A) shall sign a form consenting to their child’s placement in such a program prior to such time as their child is enrolled in the program;

“(B) shall select among methods of instruction, if more than one method is offered in the program; and

“(C) shall have their child removed from the program upon their request.

“(2) EFFECT OF LAU DECISION.—A local educational agency shall not be relieved of any of its obligations under the holding in the Supreme Court case of *Lau v. Nichols*, 414 U.S. 563 (1974), because any parent chooses not to enroll their child in an English language instruction program using their native language in instruction.

“(c) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for English language learners assisted under this Act shall receive, in a manner and form understandable to the parent or parents, the information required by this section. At a minimum, the parent or parents shall receive—

“(1) timely information about English language instruction programs for English language learners assisted under this Act; and

“(2) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

“(d) SPECIAL RULE.—An individual may not be admitted to, or excluded from, any federally assisted education program solely on the basis of a surname, language-minority status, or national origin.

“Subpart 1—Grants for English Language Acquisition

“CHAPTER 1—GENERAL PROVISIONS

“SEC. 7111. FUNDING.

“(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

“(b) RESERVATION FOR ENTITIES SERVING NATIVE AMERICANS AND ALASKA NATIVES.—From the sums appropriated under subsection (a) for any fiscal year, the Secretary shall reserve not less than .5 percent to provide Federal financial assistance under this subpart to entities that are considered to be a local educational agency under section 7112(a).

“SEC. 7112. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

“(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children and youth, the following shall be considered to be a local educational agency:

“(1) An Indian tribe.

“(2) A tribally sanctioned educational authority.

“(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

“(4) An elementary or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

“(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

“(6) An elementary or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary or secondary

school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

“(b) SUBMISSION OF APPLICATIONS FOR ASSISTANCE.—Notwithstanding any other provision of this subpart, an entity that is considered to be a local educational agency under subsection (a), and that desires to submit an application for Federal financial assistance under this subpart, shall submit the application to the Secretary. In all other respects, such an entity shall be eligible for a grant under this subpart on the same basis as any other local educational agency.

“CHAPTER 2—GRANTS FOR ENGLISH LANGUAGE ACQUISITION

“SEC. 7121. FORMULA GRANTS TO STATES.

“(a) IN GENERAL.—In the case of each State that in accordance with section 7122 submits to the Secretary an application for a fiscal year, the Secretary shall make a grant for the year to the State for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State under section 7124.

“(b) PURPOSES OF GRANTS.—

“(1) REQUIRED EXPENDITURES.—The Secretary may make a grant under subsection (a) only if the State involved agrees that the State will expend at least 90 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible entities to provide assistance to children and youth who are English language learners and immigrant children and youth in accordance with section 7123.

“(2) AUTHORIZED EXPENDITURES.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 10 percent of the amount of the funds provided under the grant for one or more of the following purposes:

“(A) Professional development and activities that assist personnel in meeting State and local certification requirements for English language instruction.

“(B) Planning, administration, and inter-agency coordination related to the subgrants referred to in paragraph (1).

“(C) Providing technical assistance and other forms of assistance to local educational agencies that—

“(i) educate children and youth who are English language learners and immigrant children and youth; and

“(ii) are not receiving a subgrant from a State under this chapter.

“(D) Providing bonuses to subgrantees whose performance has been exceptional in terms of the speed with which children and youth enrolled in the subgrantee’s programs and activities attain English language proficiency.

“(3) LIMITATION ON ADMINISTRATIVE COSTS.—In carrying out paragraph (2), a State that receives a grant under subsection (a) may expend not more than 2 percent of the amount of the funds provided under the grant for the purposes described in paragraph (2)(B).

“SEC. 7122. APPLICATIONS BY STATES.

“For purposes of section 7121, an application submitted by a State for a grant under such section for a fiscal year is in accordance with this section if the application—

“(1) describes the process that the State will use in making subgrants to eligible entities under this chapter;

“(2) contains an agreement that the State annually will submit to the Secretary a summary report, describing the State’s use of the funds provided under the grant;

“(3) contains an agreement that the State will give special consideration to applications for a subgrant under section 7123 from eligible entities that describe a program that—

“(A)(i) enrolls a large percentage or large number of children and youth who are English language learners and immigrant children and youth; and

“(ii) addresses a need brought about through a significant increase, as compared to the previous 2 years, in the percentage or number of children and youth who are English language learners in a school or school district, including schools and school districts in areas with low concentrations of such children and youth; or

“(B) on the day preceding the date of the enactment of this section, was receiving funding under a grant—

“(i) awarded by the Secretary under subpart 1 or 3 of part A of the Bilingual Education Act (as such Act was in effect on such day); and

“(ii) that was not due to expire before a period of one year or more had elapsed;

“(4) contains an agreement that, in carrying out this chapter, the State will address the needs of school systems of all sizes and in all geographic areas, including rural and urban schools;

“(5) contains an agreement that the State will coordinate its programs and activities under this chapter with its other programs and activities under this Act and other Acts, as appropriate; and

“(6) contains an agreement that the State will monitor the progress of students enrolled in programs and activities receiving assistance under this chapter in attaining English proficiency and withdraw funding from such programs and activities in cases where—

“(A) students enrolling when they are in kindergarten are not mastering the English language by the end of the first grade; and

“(B) other students are not mastering the English language after 2 academic years of enrollment.

“SEC. 7123. SUBGRANTS TO ELIGIBLE ENTITIES.

“(a) PURPOSES OF SUBGRANTS.—A State may make a subgrant to an eligible entity from funds received by the State under this chapter only if the entity agrees to expend the funds for one of the following purposes:

“(1) Developing and implementing new English language instructional programs for children and youth who are English language learners, including programs of early childhood education and kindergarten through 12th grade education.

“(2) Carrying out locally designed projects to expand or enhance existing English language instruction programs for children and youth who are English language learners.

“(3) Assisting a local educational agency in providing enhanced instructional opportunities for immigrant children and youth.

“(b) AUTHORIZED SUBGRANTEE ACTIVITIES.—

“(1) IN GENERAL.—Subject to paragraph (2), a State may make a subgrant to an eligible entity from funds received by the State under this chapter in order that the eligible entity may achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities to improve the understanding, and use, of the English language, based on a child’s learning skills:

“(A) Developing and implementing comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services.

“(B) Providing training to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children and youth who are English language learners, immigrant children and youth, or both.

“(C) Improving the program for children and youth who are English language learners, immigrant children and youth, or both.

"(D) Providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, providing training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

"(E) Developing tutoring programs for English language learners that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among English language learners, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for English language learners or immigrant children and youth.

"(F) Providing family literacy services to English language learners and immigrant children and youth and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

"(G) Such other activities, related to the purpose of the subgrant, as the State may approve.

"(2) MOVING CHILDREN OUT OF SPECIALIZED CLASSROOMS.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this chapter shall be designed to assist students enrolled in the program or activity to move into a classroom where instruction is not tailored for English language learners or immigrant children and youth—

"(A) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

"(B) by the end of their second academic year of enrollment, in the case of other students.

"(3) MAXIMUM ENROLLMENT PERIOD.—An eligible entity may not use funds received from a State under this chapter to provide instruction or assistance to any individual who has been enrolled for a period exceeding 3 years in a program or activity undertaken by the eligible entity under this section.

"(c) SELECTION OF METHOD OF INSTRUCTION.—To receive a subgrant from a State under this chapter, an eligible entity shall select one or more methods or forms of English language instruction to be used in the programs and activities undertaken by the entity to assist English language learners and immigrant children and youth to achieve English fluency. Such selection shall be consistent with the State's law, including State constitutional law.

"(d) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State under this section shall be determined by the State in its discretion.

"(e) APPLICATIONS BY ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—To receive a subgrant from a State under this chapter, an eligible entity shall submit an application to the State at such time, in such form, and containing such information as the State may require.

"(2) REQUIRED DOCUMENTATION.—The application shall describe the programs and activities proposed to be developed, implemented, and administered under the subgrant and shall provide an assurance that the applicant will only employ teachers and other personnel for the proposed programs and activities who are proficient in English, including written and oral communication skills.

"(3) REQUIREMENTS FOR APPROVAL.—A State may approve an application submitted by an eligible entity for a subgrant under this chapter only if the State determines that—

"(A) the eligible entity will use qualified personnel who have appropriate training and professional credentials in teaching English

to children and youth who are English language learners and immigrant children and youth;

"(B) in designing the programs and activities proposed in the application, the needs of children enrolled in private elementary and secondary schools have been taken into account through consultation with appropriate private school officials;

"(C) the eligible entity has provided for the participation of children enrolled in private elementary and secondary schools in the programs and activities proposed in the application on a basis comparable to that provided for children enrolled in public school;

"(D) the eligible entity has based its proposal on sound research and theory;

"(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be taught English—

"(i) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

"(ii) by the end of their second academic year of enrollment, in the case of other students; and

"(F) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English language learners.

"(4) QUALITY.—In determining which applications to select for approval, a State shall consider the quality of each application.

"(f) EVALUATION.—

"(1) IN GENERAL.—Each eligible entity that receives a subgrant from a State under this chapter shall provide the State, at the conclusion of every second fiscal year during which the grant is received, with an evaluation, in a form prescribed by the State, of—

"(A) the programs and activities conducted by the entity with funds received under this chapter during the two immediately preceding fiscal years;

"(B) the progress made by students in learning the English language; and

"(C) the number and percentage of students in the programs and activities mastering the English language by the end of each school year.

"(2) USE OF EVALUATION.—An evaluation provided by an eligible entity under paragraph (1) shall be used by the entity and the State—

"(A) for improvement of programs and activities;

"(B) to determine the effectiveness of programs and activities in assisting children and youth who are English language learners to master the English language; and

"(C) in determining whether or not to continue funding for specific programs or projects.

"(3) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under paragraph (1) shall include—

"(A) an evaluation of whether students enrolling in a program or activity conducted by the entity with funds received under this chapter—

"(i) are mastering the English language—

"(I) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

"(II) by the end of their second academic year of enrollment, in the case of other students; and

"(ii) have achieved a working knowledge of the English language that is sufficient to permit them to perform, in English, regular classroom work; and

"(B) such other information as the State may require.

"(4) EVALUATION MEASURES.—In prescribing the form of an evaluation provided by an entity under paragraph (1), a State shall approve evaluation measures for use under paragraph (3) that are designed to assess—

"(A) oral language proficiency in kindergarten;

"(B) oral language proficiency, including speaking and listening skills, in first grade; and

"(C) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades two and higher.

"SEC. 7124. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), from the sum available for the purpose of making grants to States under this chapter for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sum as the total number of children and youth who are English language learners and immigrant children and youth and who reside in the State bears to the total number of such children and youth residing in all States (excluding the Commonwealth of Puerto Rico and the outlying areas) that, in accordance with section 7122, submit to the Secretary an application for the year.

"(b) PUERTO RICO.—From the sum available for the purpose of making grants to States under this chapter for any fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount equal to 1.5 percent of the sums appropriated under section 7111(a).

"(c) OUTLYING AREAS.—

"(1) TOTAL AVAILABLE FOR ALLOTMENT.—From the sum available for the purpose of making grants to States under this chapter for any fiscal year, the Secretary shall allot to the outlying areas, in accordance with paragraph (2), a total amount equal to .5 percent of the sums appropriated under section 7111(a).

"(2) DETERMINATION OF INDIVIDUAL AREA AMOUNTS.—From the total amount determined under paragraph (1), the Secretary shall allot to each outlying area an amount which bears the same ratio to such amount as the total number of children and youth who are English language learners and immigrant children and youth and who reside in the outlying area bears to the total number of such children and youth residing in all outlying areas that, in accordance with section 7122, submit to the Secretary an application for the year.

"(d) MINIMUM ALLOTMENT.—

"(1) IN GENERAL.—Notwithstanding subsections (a) through (c), the Secretary shall not allot to any State, for fiscal years 1999 through 2003, an amount that is less than 100 percent of the baseline amount for the State.

"(2) BASELINE AMOUNT DEFINED.—For purposes of this subsection, the term 'baseline amount', when used with respect to a State, means the total amount received under parts A and C of this title for fiscal year 1998 by the State, the State educational agency, and all local educational agencies of the State.

"(3) RATABLY REDUCTION.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

"(e) USE OF STATE DATA FOR DETERMINATIONS.—For purposes of subsections (a) and (c), any determination of the number of children and youth who are English language learners and reside in a State shall be made using the most recent English language learner school enrollment data available to, and reported to the Secretary by, the State. For purposes of such subsections, any determination of the number of immigrant children and youth who reside in a State shall be made using the most recent data available to, and reported to the Secretary by, the State.

"(f) NO REDUCTION PERMITTED BASED ON TEACHING METHOD.—The Secretary may not reduce a State's allotment based on the State's selection of the immersion method of instruction as its preferred method of teaching the English language to children and youth who are English language learners or immigrant children and youth.

"SEC. 7125. CONSTRUCTION.

"Nothing in this chapter shall be construed as requiring a State or a local educational agency to establish, continue, or eliminate a program of native language instruction.

"Subpart 2—Research and Dissemination

"SEC. 7141. AUTHORITY.

"The Secretary may conduct, through the Office of Educational Research and Improvement, research for the purpose of improving English language instruction for children and youth who are English language learners and immigrant children and youth. Activities under this section shall be limited to research to identify successful models for teaching children English and distribution of research results to States for dissemination to schools with populations of students who are English language learners. Research conducted under this section may not focus solely on any one method of instruction."

SEC. 2. REPEAL OF EMERGENCY IMMIGRANT EDUCATION PROGRAM.

Part C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7541 et seq.) is repealed.

SEC. 3. ADMINISTRATION.

Part D of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7571 et seq.) is redesignated as part C of such title and amended to read as follows:

"PART C—ADMINISTRATION

"SEC. 7301. REPORTING REQUIREMENTS.

"(a) STATES.—Based upon the evaluations provided to a State under section 7123(f), each State receiving a grant under this title annually shall report to the Secretary on programs and activities undertaken by the State under this title and the effectiveness of such programs and activities in improving the education provided to children and youth who are English language learners and immigrant children and youth.

"(b) SECRETARY.—Every other year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on programs and activities undertaken by States under this title and the effectiveness of such programs and activities in improving the education provided to children and youth who are English language learners and immigrant children and youth.

"SEC. 7302. COMMINGLING OF FUNDS.

"(a) ESEA FUNDS.—A person who receives Federal funds under subpart 1 of part A may commingle such funds with other funds the person receives under this Act so long as the person satisfies the requirements of this Act.

"(b) STATE AND LOCAL FUNDS.—Except as provided in section 14503, a person who receives Federal funds under subpart 1 of part A may commingle such funds with funds the person receives under State or local law for the purpose of teaching English to children and youth who are English language learners and immigrant children and youth, to the extent permitted under such State or local law, so long as the person satisfies the requirements of this title and such law."

SEC. 4. GENERAL PROVISIONS.

Part E of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7601 et seq.) is redesignated as part D of such title and amended to read as follows:

"PART D—GENERAL PROVISIONS

"SEC. 7401. DEFINITIONS.

"For purposes of this title:

"(1) CHILDREN AND YOUTH.—The term 'children and youth' means individuals aged 3 through 21.

"(2) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness or Indian tribe or tribally sanctioned educational authority which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) one or more local educational agencies;

"(B) one or more local educational agencies in collaboration with—

"(i) an institution of higher education;

"(ii) a community-based organization;

"(iii) a local educational agency; or

"(iv) a State;

"(C) a community-based organization or an institution of higher education which has an application approved by a local educational agency to enhance an early childhood education program or a family education program; or

"(D) a State educational agency, in the case of a State educational agency that also serves as a local educational agency.

"(4) ENGLISH LANGUAGE LEARNER.—The term 'English language learner', when used with reference to an individual, means an individual—

"(A) aged 3 through 21;

"(B) who—

"(i) was not born in the United States; or

"(ii) comes from an environment where a language other than English is dominant and who normally uses a language other than English; and

"(C) who has sufficient difficulty speaking, reading, writing, or understanding the English language that the difficulty may deny the individual the opportunity—

"(i) to learn successfully in a classroom where the language of instruction is English; or

"(ii) to participate fully in society.

"(5) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing welfare dependency) and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Equipping parents to partner with their children in learning.

"(C) Parent literacy training, including training that contributes to economic self-sufficiency.

"(D) Appropriate instruction for children of parents receiving parent literacy services.

"(6) IMMIGRANT CHILDREN AND YOUTH.—The term 'immigrant children and youth' means individuals who—

"(A) are aged 3 through 21;

"(B) were not born in any State; and

"(C) have not attended school in any State for more than three full academic years.

"(7) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is

recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(8) NATIVE AMERICAN; NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' have the meanings given such terms in section 103 of the Native American Languages Act (25 U.S.C. 2902).

"(9) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization—

"(A) a majority of whose governing board, and a majority of whose employees, are fluent speakers of the traditional Native American languages used in the organization's educational programs; and

"(B) that has not less than five years of successful experience in providing educational services in traditional Native American languages.

"(10) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual who is an English language learner, means the language normally used by such individual.

"(11) OUTLYING AREA.—The term 'outlying area' means any of the following:

"(A) The Virgin Islands of the United States.

"(B) Guam.

"(C) American Samoa.

"(D) The Commonwealth of the Northern Mariana Islands.

"(12) STATE.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any outlying area.

"(13) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate a school described in section 7112(a) or otherwise to oversee the delivery of educational services to members of the tribe; and

"(ii) approved by the Secretary for the purpose of carrying out programs under subpart 1 of part A for individuals served by a school described in section 7112(a).

"SEC. 7402. LIMITATION ON FEDERAL REGULATIONS.

"The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure compliance with the specific requirements of this title.

"SEC. 7403. LEGAL AUTHORITY UNDER STATE LAW.

"Nothing in this title shall be construed to negate or supersede the legal authority, under State law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

"SEC. 7404. RELEASE FROM COMPLIANCE AGREEMENTS.

"Notwithstanding section 7403, any compliance agreement entered into between a State, locality, or local educational agency and the Department of Health, Education, and Welfare or the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education, is void.

"SEC. 7405. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.

"(a) IN GENERAL.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

"(1) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to English language learners that is undertaken by a State, locality, or local educational agency;

"(2) shall undertake a rulemaking pursuant to such notice; and

"(3) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

"(b) EFFECT OF RULEMAKING ON COMPLIANCE AGREEMENTS.—The Secretary may not enter into any compliance agreement after the date of the enactment of this section pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

"SEC. 7406. RULE OF CONSTRUCTION.

"Nothing in this Act shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages."

SEC. 5. CONFORMING AMENDMENTS.

(a) TITLE HEADING.—The title heading of title VII of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE VII—ENGLISH LANGUAGE FLUENCY AND FOREIGN LANGUAGE ACQUISITION PROGRAMS".

(b) ELEMENTARY AND SECONDARY EDUCATION ACT.—The Elementary and Secondary Education Act of 1965 is amended—

(1) in section 2209(b)(1)(C)(iii) (20 U.S.C. 6649(b)(1)(C)(iii)), by striking "Bilingual Education Programs under part A of title VII." and inserting "English language education programs under part A of title VII."; and

(2) in section 14307(b)(1)(E) (20 U.S.C. 8857(b)(1)(E)), by striking "Subpart 1 of part A of title VII (bilingual education)." and inserting "Chapter 2 of subpart 1 of part A of title VII (English language education)."

(c) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—

(1) IN GENERAL.—The Department of Education Organization Act is amended by striking "Office of Bilingual Education and Minority Languages Affairs" each place such term appears in the text and inserting "Office of English Language Acquisition".

(2) CLERICAL AMENDMENTS.—

(A) SECTION 209.—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

"OFFICE OF ENGLISH LANGUAGE ACQUISITION".

(B) SECTION 216.—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

"SEC. 216. OFFICE OF ENGLISH LANGUAGE ACQUISITION".

(C) TABLE OF CONTENTS.—

(i) SECTION 209.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

"Sec. 209. Office of English Language Acquisition."

(ii) SECTION 216.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

"Sec. 216. Office of English Language Acquisition."

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act, or October 1, 1998, whichever occurs later.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that the yeas had it.

Mrs. MINK demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 221
affirmative { Nays 189

186.17

[Roll No. 424]

AYES—221

Aderholt	Fossella	McCollum
Archer	Fowler	McDade
Armey	Fox	McHugh
Bachus	Franks (NJ)	McInnis
Baessler	Frelinghuysen	McIntosh
Baker	Gallegly	McIntyre
Ballenger	Ganske	McKeon
Barr	Gekas	Metcalf
Barrett (NE)	Gibbons	Mica
Bartlett	Gilchrest	Miller (FL)
Barton	Gillmor	Moran (KS)
Bass	Goode	Myrick
Bateman	Goodlatte	Nethercutt
Bereuter	Goodling	Neumann
Bilbray	Gordon	Northup
Bilirakis	Goss	Norwood
Bliley	Graham	Oxley
Blunt	Granger	Packard
Boehlert	Greenwood	Pappas
Boehner	Gutknecht	Parker
Bonilla	Hall (TX)	Paxon
Bono	Hansen	Pease
Brady (TX)	Hastert	Peterson (MN)
Bryant	Hastings (WA)	Peterson (PA)
Bunning	Hayworth	Petri
Burton	Hefley	Pickering
Buyer	Herger	Pickett
Callahan	Hill	Pitts
Calvert	Hilleary	Pombo
Camp	Hobson	Porter
Campbell	Hoekstra	Portman
Canady	Horn	Quinn
Cannon	Hostettler	Radanovich
Castle	Houghton	Regula
Chabot	Hulshof	Riggs
Chambliss	Hunter	Riley
Chenoweth	Hutchinson	Rogan
Christensen	Hyde	Rogers
Coble	Inglis	Rohrabacher
Coburn	Istook	Roukema
Collins	Jenkins	Royce
Combest	John	Ryun
Cook	Johnson, Sam	Salmon
Cooksey	Jones	Sanford
Cox	Kasich	Saxton
Cramer	Kelly	Schaefer, Dan
Crane	Kim	Schaffer, Bob
Cubin	King (NY)	Sensenbrenner
Cunningham	Kingston	Sessions
Danner	Klug	Shadegg
Deal	Knollenberg	Shaw
DeLay	Kolbe	Shays
Dickey	LaHood	Sherman
Doolittle	Largent	Shimkus
Dreier	Latham	Shuster
Duncan	LaTourette	Skeen
Dunn	Lazio	Smith (MI)
Ehlers	Leach	Smith (NJ)
Emerson	Lewis (CA)	Smith (OR)
English	Lewis (KY)	Smith, Linda
Ensign	Linder	Snowbarger
Everett	Lipinski	Solomon
Ewing	Livingston	Souder
Fawell	LoBiondo	Spence
Foley	Lucas	Stearns
Forbes	Manzullo	Stump

Sununu
Talent
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt

Trafficant
Harman
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)

Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—189

Abercrombie	Hamilton	Oberstar
Ackerman	Harman	Obey
Allen	Hastings (FL)	Olver
Andrews	Hefner	Ortiz
Baldacci	Hilliard	Owens
Barrett (WI)	Hinchey	Pallone
Becerra	Hinojosa	Pascarell
Bentsen	Holden	Pastor
Berman	Hooley	Paul
Bishop	Hoyer	Payne
Blagojevich	Jackson (IL)	Pelosi
Blumenauer	Jackson-Lee	Pomeroy
Bonior	(TX)	Price (NC)
Borski	Jefferson	Rahall
Boswell	Johnson (CT)	Ramstad
Boucher	Johnson (WI)	Rangel
Boyd	Kanjorski	Redmond
Brady (PA)	Kennedy (MA)	Reyes
Brown (CA)	Kennedy (RI)	Rivers
Brown (FL)	Kildee	Rodriguez
Brown (OH)	Kilpatrick	Roemer
Capps	Kind (WI)	Ros-Lehtinen
Cardin	Klecza	Rothman
Carson	Klink	Roybal-Allard
Clay	Kucinich	Rush
Clayton	LaFalce	Sabo
Clement	Lampson	Sanchez
Clyburn	Lantos	Sanders
Condit	Lee	Sandlin
Conyers	Levin	Sawyer
Costello	Lewis (GA)	Scott
Coyne	Lofgren	Serrano
Crapo	Lowey	Sisisky
Cummings	Luther	Skaggs
Davis (FL)	Maloney (CT)	Skelton
Davis (IL)	Maloney (NY)	Slaughter
DeFazio	Manton	Smith, Adam
DeGette	Markey	Snyder
Delahunt	Martinez	Spratt
DeLauro	Mascara	Stabenow
Deutsch	Matsui	Stark
Diaz-Balart	McCarthy (MO)	Stenholm
Dicks	McCarthy (NY)	Stokes
Dingell	McDermott	Strickland
Dixon	McHale	Stupak
Doggett	McKinney	Tanner
Dooley	McNulty	Tauscher
Doyle	Meehan	Thompson
Edwards	Meek (FL)	Thurman
Engel	Meeks (NY)	Tierney
Eshoo	Menendez	Torres
Evans	Millender-McDonald	Turner
Farr	Miller (CA)	Velazquez
Fattah	Minge	Vento
Fazio	Mink	Visclosky
Filner	Moakley	Waters
Ford	Mollohan	Watt (NC)
Frank (MA)	Moran (VA)	Waxman
Frost	Morella	Wexler
Gejdenson	Murtha	Weygand
Gilman	Nadler	Woolsey
Green	Neal	Wynn
Gutierrez	Ney	Yates
Hall (OH)		

NOT VOTING—24

Barcia	Gonzalez	Pryce (OH)
Berry	Johnson, E.B.	Scarborough
Burr	Kaptur	Schumer
Davis (VA)	Kennelly	Smith (TX)
Ehrlich	McCrery	Tauzin
Etheridge	McGovern	Towns
Furse	Nussle	Wise
Gephardt	Poshard	Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

186.18 SUBPOENA

The SPEAKER pro tempore, Mr. GUTKNECHT, laid before the House the following communication from Mr. STRICKLAND:

AUGUST 6, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Southern District of Ohio.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

TED STRICKLAND,
Member of Congress.

186.19 SUBPOENA RESPONSE

The SPEAKER pro tempore, Mr. GUTKNECHT, laid before the House the following communication from Shannon Jones in the office of the Honorable John E. Peterson:

AUGUST 12, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena for testimony and documents issued by the Centre County Court, Commonwealth of Pennsylvania, in the case of *Commonwealth of Pennsylvania v. Barger*.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SHANNON JONES.

186.20 CLERK TO CORRECT ENGROSSMENT—H.R. 3892

On motion of Mr. GOODLING, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 3892) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes, the Clerk be authorized to make technical corrections and conforming changes to the bill.

186.21 SUBPOENA RESPONSE

The SPEAKER pro tempore, Mr. GUTKNECHT, laid before the House the following communication from Ms. Susan Gurekovich in the office of Representative John E. Peterson:

AUGUST 12, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena for testimony and documents issued by the Centre County Court, Commonwealth of Pennsylvania, in the case of *Commonwealth of Pennsylvania v. Barger*.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SUSAN GUREKOVICH.

186.22 SUBPOENA RESPONSE

The SPEAKER pro tempore, Mr. GUTKNECHT, laid before the House

the following communication from Ms. Rhonda Pellegrini in the office of the Honorable Frank D. Riggs:

AUGUST 17, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have been served with a subpoena ad testificandum issued by the United States District Court for the Northern District of California in the case of *Headwaters v. County of Humboldt*, No. C-97-3989-VRW.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House and, therefore, that I should comply with the subpoena.

Sincerely,

RHONDA PELLEGRINI.

186.23 ORDER OF BUSINESS— CONSIDERATION OF H. RES. 525

On motion of Mr. SOLOMON, by unanimous consent,

Ordered, That during consideration of the resolution (H. Res. 525), providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes, the time under the rules of the House of one hour for debate be extended for an additional hour so the entire debate will be consecutive and will be covered in a two hour period.

186.24 PROVIDING FOR A DELIBERATIVE REVIEW OF COMMUNICATION FROM AN INDEPENDENT COUNSEL

Mr. SOLOMON, by direction of the Committee on Rules, reported (Rept. No. 105-703) the resolution (H. Res. 525) providing providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

186.25 BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4059. An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 629. An Act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

186.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BERRY, for today;

To Ms. Eddie Bernice JOHNSON of Texas, for today after 1:30 p.m. and balance of the week;

To Mr. MCGOVERN, for today after 2 p.m.; and

To Mr. SCARBOROUGH, for today after 1:30 p.m. and balance of the week. And then,

186.27 ADJOURNMENT

On motion of Mr. SOLOMON, at 9 o'clock and 34 minutes p.m., the House adjourned.

186.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 2921. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to conduct an inquiry into the impediments to the development of competition in the market for multichannel video programming distribution; with amendments (Rept. No. 105-661, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 3789. A bill to amend title 28, United States Code, to enlarge Federal Court jurisdiction over purported class actions; with an amendment (Rept. No. 105-702). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 525. Resolution providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes (Rep. 105-703). Referred to the House Calendar.

186.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NEY (for himself, Mr. BOEHNER, Ms. PRYCE of Ohio, Mr. OXLEY, Mr. HOBSON, Mr. LATOURETTE, Mr. CHABOT, Mr. GILLMOR, Mr. TRAFICANT, Mr. HALL of Ohio, and Mr. STRICKLAND):

H.R. 4537. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks; to the Committee on Veterans' Affairs.

By Mr. MATSUI (for himself, Mrs. KENNEDY of Connecticut, Ms. MCCARTHY of Missouri, Mrs. THURMAN, Mr. PALLONE, Mr. VENTO, Mr. NEAL of Massachusetts, Ms. DELAURO, Mr. BERMAN, Mrs. LOWEY, Ms. FURSE, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. HINCHEY, Mr. GUTIERREZ, Mr. BECERRA, and Mr. FARR of California):

H.R. 4538. A bill to amend the Internal Revenue Code of 1986 to provide incentives to reduce energy consumption; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4539. A bill to amend the Immigration and Nationality Act to establish a Board of Visa Appeals within the Department of State to review decisions of consular officers concerning visa applications, revocations and cancellations; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. ANDREWS, Mr. HILLEARY, Mr. GEKAS, Mr. BARR of Georgia, and Mr. HOBSON):

H.R. 4540. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed fu-

neral directors from the minimum wage and overtime compensation requirements of that Act; to the Committee on Education and the Workforce.

By Mr. HOUGHTON:

H.R. 4541. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SAM JOHNSON of Texas, Mrs. CHENOWETH, Ms. GRANGER, Mr. HOSTETTLER, Mr. LEWIS of Kentucky, Mr. GIBBONS, Mr. HALL of Texas, Mrs. KELLY, Mr. UPTON, Mr. POMBO, Mr. KNOLLENBERG, Mr. COBLE, Mr. RIGGS, Mr. ENGLISH of Pennsylvania, Mr. KINGSTON, Mr. SHAW, Mr. BASS, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. SKEEN, Mr. LEWIS of California, Mr. McKEON, Mr. SESSIONS, Mr. ROHRBACHER, Mr. PACKARD, Mrs. WILSON, Mr. MANZULLO, Mr. REDMOND, Mr. STEARNS, Mr. QUINN, Mr. GILMAN, Mr. HORN, Mr. CASTLE, Mr. LEACH, Mr. CAMP, Mr. BOEHLERT, Mr. LoBIONDO, Mr. SHAYS, Mr. KolBE, Mr. FOSSELLA, and Mr. FOLEY):

H.R. 4542. A bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty, to encourage health coverage, to allow the nonrefundable personal credits against the alternative minimum tax, and to extend permanently certain expiring provisions, and to amend the Social Security Act to increase the earnings limitation; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island:

H.R. 4543. A bill to amend section 16 of the United States Housing Act of 1937 to require owners of federally assisted housing to establish standards to prohibit occupancy in such housing by drug and alcohol abusers in the same manner that public housing agencies are required to establish such standards for public housing; to the Committee on Banking and Financial Services.

By Mr. KENNEDY of Rhode Island (for himself and Mr. STUPAK):

H.R. 4544. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount paid to families of public safety officers killed in the line of duty; to the Committee on the Judiciary.

By Ms. MCKINNEY (for herself, Mr. ROHRBACHER, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. PORTER, Mrs. LOWEY, Mr. KENNEDY of Massachusetts, Mr. WOLF, Mr. CAMPBELL, Mr. LEACH, Mr. LANTOS, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. ENGEL, Mr. MENENDEZ, Mr. PAYNE, Mr. BROWN of Ohio, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. LUTHER, Mr. ROTHMAN, Mrs. MORELLA, Mr. RIGGS, Mr. LoBIONDO, Mr. MORAN of Virginia, Mr. DEFazio, Ms. FURSE, Mr. ABERCROMBIE, Mr. ALLEN, Mr. ANDREWS, Mr. BARRETT of Wisconsin, Mr. BLUMENAUER, Mr. BLAGOJEVICH, Mr. BONIOR, Mr. BROWN of California, Mr. CARDIN, Mr. CLAY, Mr. CLEMENT, Mr. CLYBURN, Mr. CONYERS, Mr. DELAHUNT, Mr. DIXON, Mr. FARR of California, Mr. FATTAH, Mr. FILNER, Mr. HINCHEY, Ms. NORTON, Ms. HOOLEY of Oregon, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mr. McDERMOTT, Mr. McGovern, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MILLER of California, Mr. MINGE, Mr. NADLER, Mr. OLVER, Mr. OWENS, Mr. PASCRELL, Mr. RANGEL, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. SLAUGHTER, Mr. STARK, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. TIERNEY, Mr. TOWNS,

Mr. UNDERWOOD, Mr. VENTO, Ms. WATERS, Mr. WATT of North Carolina, Ms. WOOLSEY, and Mr. WAXMAN):

H.R. 4545. A bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD:

H.R. 4546. A bill to provide for the creation of an additional category of laborers or mechanics known as helpers under the Davis-Bacon Act; to the Committee on Education and the Workforce.

By Mr. OBERSTAR:

H.R. 4547. A bill to amend title 49, United States Code, to limit sales of air carrier certificates; to the Committee on Transportation and Infrastructure.

By Mrs. LINDA SMITH of Washington:

H.R. 4548. A bill to make a technical correction to the Columbia River Gorge National Scenic Area Act of 1986; to the Committee on Resources.

By Mr. SOLOMON:

H. Res. 525. A resolution providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes; to the Committee on Rules.

By Mr. KIM:

H. Res. 526. A resolution condemning the launching by the Democratic People's Republic of Korea of a ballistic missile in violation of Japanese air space, and for other purposes; to the Committee on International Relations.

By Mr. BLAGOJEVICH:

H. Res. 527. A resolution honoring the centennial of the founding of DePaul University in Chicago, Illinois; to the Committee on Education and the Workforce.

By Mr. DEUTSCH (for himself, Mr. PETERSON of Minnesota, Mr. CONDIT, and Ms. ESHOO):

H. Res. 528. A resolution ordering the immediate printing of the entire communication received on September 9, 1998, from an independent counsel; to the Committee on Rules.

By Mr. NADLER (for himself and Mr. SOLOMON):

H. Res. 529. A resolution to amend the Rules of the House of Representatives to require a bill or joint resolution which amends a law to show the change in the law made by the amendment, and for other purposes; to the Committee on Rules.

186.30 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. PAUL introduced A bill (H.R. 4549) for the relief of the family of H. W. Hawes; which was referred to the Committee on Resources.

186.31 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. MORAN of Virginia.
H.R. 18: Mrs. MCCARTHY of New York, Mrs. CAPPS, Mr. DIXON, Mr. FOSSELLA, Mr. CHRISTENSEN, Mr. BENTSEN, and Mr. BOB SCHAFFER.
H.R. 27: Mr. SPENCE.
H.R. 40: Mr. PASTOR.
H.R. 44: Mrs. MINK of Hawaii and Mr. SESSIONS.

H.R. 59: Mr. STOKES.
H.R. 65: Mr. ADAM SMITH of Washington.
H.R. 76: Mrs. CAPPS.
H.R. 107: Mr. KUCINICH.
H.R. 145: Mrs. MALONEY of New York and Mr. GUTKNECHT.
H.R. 322: Mr. HAYWORTH.
H.R. 519: Mr. DAVIS of Florida.
H.R. 598: Mr. BILBRAY.
H.R. 612: Mr. TAUZIN.
H.R. 759: Mr. SANDERS.
H.R. 836: Mr. CAMP, Mr. ALLEN, Mr. DIAZ-BALART, Ms. GRANGER, Mr. GREENWOOD, Mr. WALSH, Mr. SKAGGS, and Mr. CRAMER.
H.R. 979: Mr. BOEHLERT, Mr. GILMAN, Mr. BRYANT, Mr. BOYD, Mr. FORBES, and Mr. NUSSLE.
H.R. 1241: Mrs. CAPPS and Mrs. BONO.
H.R. 1289: Ms. LOFGREN.
H.R. 1382: Mr. SANDLIN.
H.R. 1608: Ms. NORTON, Mr. MARKEY, Mr. UNDERWOOD, and Mr. GIBBONS.
H.R. 1628: Mr. MALONEY of Connecticut.
H.R. 1748: Mr. GEJDENSON and Mr. STOKES.
H.R. 1995: Mr. GONZALEZ.
H.R. 2397: Mrs. THURMAN, Mr. ADAM SMITH of Washington, Ms. PRYCE of Ohio, Mr. STENHOLM, Mr. WELDON of Pennsylvania, Mr. HANSEN, Mr. COOK, Mr. MCCOLLUM, Mr. TURNER, Mr. MCINTOSH, Mr. FRANKS of New Jersey, Mr. TRAFICANT, Mr. PAPPAS, Ms. RIVERS, Mr. KLECZKA, Mr. SANDERS, Mr. CAMPBELL, Mr. BARRETT of Wisconsin, Mr. SESSIONS, Mr. HALL of Texas, Mr. DIXON, Mr. McHALE, Mr. HINCHEY, Mr. ACKERMAN, Mr. COOKSEY, Ms. CARSON, Mr. REDMOND, Mrs. LOWEY, Mr. RILEY, and Mr. ROTHMAN.
H.R. 2524: Ms. PELOSI, Ms. SANCHEZ, Mr. SANDLIN, and Mr. KENNEDY of Rhode Island.
H.R. 2715: Mr. CHRISTENSEN.
H.R. 2721: Mr. GOODE.
H.R. 2819: Mr. DELAHUNT and Mr. CAMPBELL.
H.R. 2821: Mr. MATSUI and Mrs. MORELLA.
H.R. 2912: Ms. HOOLEY of Oregon.
H.R. 2941: Mr. BARTON of Texas.
H.R. 2951: Ms. PELOSI.
H.R. 2955: Mr. SANFORD, Mr. HINOJOSA, Mr. STOKES, Ms. LEE, and Mr. THOMPSON.
H.R. 2990: Mr. HANSEN, Mr. HASTERT, Mr. ROGAN, Mrs. MCCARTHY of New York, Mr. SOLOMON, Mr. CHABOT, Mr. MCCOLLUM, Mr. SMITH of Michigan, Mr. KINGSTON, Mr. MINGE, and Mr. McNULTY.
H.R. 2995: Mr. RAMSTAD and Mr. JEFFERSON.
H.R. 3077: Mr. BISHOP, Mr. MILLER of California, Mr. DEFazio, and Mr. STUPAK.
H.R. 3081: Mr. DICKS, Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. ALLEN, and Mr. SAWYER.
H.R. 3121: Mr. McNULTY.
H.R. 3125: Mr. HEFLEY and Mr. INGLIS of South Carolina.
H.R. 3126: Mr. BISHOP.
H.R. 3160: Mr. SHAYS.
H.R. 3177: Mr. OXLEY.
H.R. 3435: Mr. MINGE.
H.R. 3503: Ms. SLAUGHTER, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, Mr. PAUL, Mr. MARTINEZ, Mr. MATSUI, and Ms. DANNER.
H.R. 3514: Mr. BAESLER, Mr. TIERNEY, Mr. ANDREWS, and Mr. PETERSON of Minnesota.
H.R. 3572: Ms. ROS-LEHTINEN and Mr. TRAFICANT.
H.R. 3636: Mr. FORD.
H.R. 3641: Mr. SAM JOHNSON of Texas and Ms. PRYCE of Ohio.
H.R. 3759: Mr. BROWN of California, Mr. FROST, Mr. OBERSTAR, and Mr. GUTIERREZ.
H.R. 3774: Mr. ALLEN and Mr. NETHERCUTT.
H.R. 3783: Mr. BLUNT and Mr. SANDLIN.
H.R. 3792: Mr. KASICH.
H.R. 3795: Mr. DELAHUNT and Mr. ACKERMAN.
H.R. 3814: Mr. CONDIT and Mr. SERRANO.
H.R. 3835: Mr. GORDON, Mr. BLUNT, Mr. HULSHOF, Mr. MANZULLO, Mr. ACKERMAN, Mr. RUSH, Mrs. TAUSCHER, Mr. GREEN, Mr. BURR

of North Carolina, Mr. ENGEL, Mr. DELAHUNT, Mr. HAMILTON, Mr. EHRLICH, Mr. BORSKI, Mr. YATES, Mr. BISHOP, Mr. BOUCHER, Mrs. EMERSON, Mr. COYNE, Mr. CANADY of Florida, Mr. TURNER, Mr. KUCINICH, and Mr. SANDERS.

H.R. 3844: Ms. PRYCE of Ohio.

H.R. 3870: Ms. LOFGREN and Mr. CANADY of Florida.

H.R. 3879: Mrs. FOWLER.

H.R. 3946: Mr. CLAY, Mr. WEXLER, Ms. ROYBAL-ALLARD, Mr. MALONEY of Connecticut, Mr. THOMPSON, Ms. MCCARTHY of Missouri, and Ms. NORTON.

H.R. 3949: Mr. MCKEON.

H.R. 3962: Mr. BAKER.

H.R. 3991: Mr. HYDE and Mr. HILLEARY.

H.R. 4019: Mr. SMITH of Texas.

H.R. 4028: Mr. ENGLISH of Pennsylvania, Mr. HALL of Texas, Mr. HULSHOF, Ms. DEGETTE, Mr. SNYDER, Mr. SHERMAN, Mr. HORN, Mr. SANDERS, Ms. CHRISTIAN-GREEN, Mr. SANDLIN, Mr. TURNER, and Mr. LAFALCE.

H.R. 4030: Mr. SKAGGS.

H.R. 4035: Mr. PASTOR, Mr. TURNER, Mr. BRADY of Pennsylvania, Mr. FOLEY, Mr. DELAHUNT, Ms. CHRISTIAN-GREEN, Mr. ENSIGN, Mr. MALONEY of Connecticut, Mr. MENENDEZ, Mr. LIVINGSTON, Mr. MARTINEZ, Mr. PAYNE, Mrs. ROUKEMA, Mr. KILDEE, Mr. JEFFERSON, Mr. YATES, Mr. MINGE, Ms. SANCHEZ, Mr. GOODLING, Mr. DINGELL, Mr. PETERSON of Minnesota, Mr. DIXON, Mr. RAHALL, Mr. SENSENBRENNER, Mr. TAYLOR of North Carolina, Mrs. MYRICK, Mr. OLVER, Mr. COBURN, Mr. WALSH, Ms. LOFGREN, Mr. WATTS of Oklahoma, Mr. EDWARDS, and Mr. PETRI.

H.R. 4036: Mr. PASTOR, Mr. TURNER, Mr. BRADY of Pennsylvania, Mr. FOLEY, Mr. DELAHUNT, Ms. CHRISTIAN-GREEN, Mr. ENSIGN, Mr. MENENDEZ, Mr. MARTINEZ, Mr. PAYNE, Mrs. ROUKEMA, Mr. KILDEE, Mr. JEFFERSON, Mr. YATES, Mr. MINGE, Ms. SANCHEZ, Mr. DINGELL, Mr. PETERSON of Minnesota, Mr. DIXON, Mr. RAHALL, Mr. SENSENBRENNER, Mr. TAYLOR of North Carolina, Mrs. MYRICK, Mr. OLVER, Mr. COBURN, Mr. WALSH, Ms. LOFGREN, Mr. EDWARDS, and Mr. PETRI.

H.R. 4039: Mr. SOUDER.

H.R. 4067: Mr. NEY.

H.R. 4093: Ms. CHRISTIAN-GREEN and Mr. SERRANO.

H.R. 4125: Mr. BURTON of Indiana, Mr. HYDE, Mr. JONES, Mr. BACHUS, Mr. GREENWOOD, and Mr. PAXON.

H.R. 4126: Mr. DICKEY.

H.R. 4134: Mr. SANDLIN.

H.R. 4141: Mr. LEWIS of Georgia.

H.R. 4204: Mr. NETHERCUTT and Mr. PORTMAN.

H.R. 4213: Mr. CRANE and Mr. BARTON of Texas.

H.R. 4219: Mr. SNYDER and Ms. STABENOW.

H.R. 4220: Mr. ROTHMAN.

H.R. 4224: Ms. DANNER.

H.R. 4233: Mr. CUMMINGS, Ms. DELAURO, Mr. MORAN of Virginia, and Mr. BERMAN.

H.R. 4240: Mr. ROHRBACHER.

H.R. 4257: Mr. PICKERING, Mr. ADERHOLT, and Mr. KIND of Wisconsin.

H.R. 4275: Mr. CLAY, Mr. KIND of Wisconsin, Ms. MCKINNEY, Mr. DICKEY, Mr. EVANS, Mr. PEASE, Ms. ESHOO, Mr. NORWOOD, Mr. KANJORSKI, Mr. GEJDENSON, Mr. DINGELL, Mr. FATTAH, and Mr. MURTHA.

H.R. 4283: Mr. FRANKS of New Jersey, Mr. FATTAH, Mr. LEVIN, Mr. NADLER, Mr. WYNN, Mr. BISHOP, Mr. FORD, Mr. CLAY, Ms. LEE, Mr. HYDE, and Mr. STOKES.

H.R. 4291: Mr. DELAHUNT, Mr. DIXON, Mr. FARR of California, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. KING of New York, Mr. OBERSTAR, Mr. PASTOR, Mr. SAWYER, Mr. UNDERWOOD, and Mr. WAXMAN.

H.R. 4321: Mrs. ROUKEMA.

H.R. 4323: Mr. FALEOMAVAEGA, Ms. PELOSI, Mr. BECERRA, Mr. HINOJOSA, Ms. ROYBAL-AL-

LARD, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, and Mr. SERRANO.

H.R. 4324: Mr. SKEEN, Mr. CANNON, Mr. MCINNIS, Mr. BLUNT, Mr. FOSSELLA, Mr. CHABOT, Mr. BOB SCHAFFER, Mr. SAM JOHNSON of Texas, Mr. METCALF, Mr. REGULA, Mr. GOODLATTE, Mr. ENSIGN, and Mr. CHRISTENSEN.

H.R. 4339: Mr. CONYERS, Mr. JENKINS, Mr. MALONEY of Connecticut, Mr. NEY, Mrs. MINK of Hawaii, Mr. GEJDENSON, Ms. NORTON, Mr. SANDLIN, Mr. POSHARD, Mr. PETERSON of Minnesota, Mr. BROWN of Ohio, Mr. MARTINEZ, Ms. PELOSI, Mr. DEFazio, Mr. BAKER, Mr. DUNCAN, Mr. ANDREWS, Mr. ROMERO-BARCELO, Ms. CARSON, Ms. MCCARTHY of Missouri, Mr. ORTIZ, Mr. CONDIT, and Mr. CALAHAN.

H.R. 4340: Ms. CARSON, Mr. HILLIARD, Ms. MILLENDER-MCDONALD, and Mr. OLVER.

H.R. 4352: Mr. DEFazio, Mr. BOUCHER, and Mr. MCHUGH.

H.R. 4353: Mr. GILLMOR, Mr. GREENWOOD, Mr. WHITE, Mr. DEUTSCH, and Mr. SAWYER.

H.R. 4358: Mr. WATKINS, Mr. MCDERMOTT, Mr. WALSH, Ms. DUNN of Washington, Mr. HINCHEY, Mr. LEVIN, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, and Mr. BOEHLERT.

H.R. 4391: Mr. NORWOOD.

H.R. 4404: Mr. CANNON, Mr. CLYBURN, Mr. HILLIARD, Mr. SISISKY, and Mr. SPRATT.

H.R. 4433: Mr. MCGOVERN.

H.R. 4446: Mr. INGLIS of South Carolina, Mr. BATEMAN, Mr. BEREUTER, Mr. TANNER, Mr. OXLEY, and Mrs. LINDA SMITH of Washington.

H.R. 4447: Mr. DEFazio.

H.R. 4455: Mr. EHRLICH, Mrs. MYRICK, Mr. CAMPBELL, Mr. ROGAN, Mr. ROHRBACHER, Mr. BLUNT, Mr. LIVINGSTON, Mr. WAMP, and Mr. OXLEY.

H.R. 4472: Mr. HOUGHTON, Mrs. KELLY, and Mr. TANNER.

H.R. 4476: Mr. MCGOVERN, Mr. DOOLEY of California, Mr. KILDEE, Mrs. MALONEY of New York, Mr. CUMMINGS, Mr. SANDLIN, Mr. HORN, Mr. LAFALCE, and Ms. STABENOW.

H.R. 4480: Mr. BLUMENAUER.

H.R. 4522: Mr. PETERSON of Pennsylvania, Mr. BLILEY, Mr. PACKARD, Ms. GRANGER, Mrs. KELLY, Mr. CAMP, Mr. PORTMAN, and Mr. STUMP.

H. Con. Res. 41: Mr. MCINNIS.

H. Con. Res. 52: Mr. RODRIGUEZ, Mr. FILNER, Mr. NETHERCUTT, Mr. POSHARD, Mr. MURTHA, Mr. COYNE, Mr. RAMSTAD, Ms. LEE, Mr. WAXMAN, Mr. PALLONE, Mr. BOSWELL, and Mr. EVANS.

H. Con. Res. 224: Mr. GILMAN and Mr. SMITH of New Jersey.

H. Con. Res. 229: Mr. BOEHLERT, Mr. CARDIN, Mr. HYDE, Mr. MCCOLLUM, Mrs. MINK of Hawaii, Mrs. MORELLA, Mrs. NORTUP, Ms. NORTON, Ms. SANCHEZ, and Mr. WICKER.

H. Con. Res. 267: Mr. KENNEDY of Rhode Island and Mr. TALENT.

H. Con. Res. 295: Mr. WALSH, Mr. ENGLISH of Pennsylvania, Mr. SHERMAN, Mr. ROTHMAN, Mr. SMITH of New Jersey, Mr. LANTOS, and Mr. WAXMAN.

H. Con. Res. 315: Mr. FROST, Mr. TRAFICANT, and Mr. FRANK of Massachusetts.

H. Con. Res. 317: Mr. ACKERMAN, Mr. BACHUS, Mr. BALDACCIO, Mr. BOYD, Mr. BRADY of Texas, Mr. CALLAHAN, Mr. CLEMENT, Ms. DELAURO, Mr. FARR of California, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HORN, Mr. KENNEDY of Rhode Island, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. LUTHER, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. SHIMKUS, Mr. SKELTON, Mr. SPRATT, Mr. TRAFICANT, Mr. WALSH, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WOLF, Mr. MCNULTY, and Mr. METCALF.

H. Res. 381: Mr. MARTINEZ and Mr. BRADY of Texas.

H. Res. 479: Ms. KILPATRICK, Mrs. MINK of Hawaii, Mr. MARKEY, and Mr. DEFazio.

H. Res. 494: Mr. TORRES.

H. Res. 505: Mr. UNDERWOOD, Mr. ABERCROMBIE, Mr. MATSUI, Mrs. MINK of Hawaii, and Mr. KIM.

H. Res. 519: Mr. DIAZ-BALART.

186.32 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 218: Mr. BILBRAY.

H.R. 3396: Mr. NUSSLE.

H.R. 4006: Mr. LATOURETTE.

FRIDAY, SEPTEMBER 11, 1998 (87)

The House was called to order by the SPEAKER.

187.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, September 10, 1998.

Pursuant to clause 1, rule I, the Journal was approved.

187.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

10833. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Pork Promotion, Research, and Consumer Information Order—Decrease in Importer Assessments [No. LS-98-004] received September 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10834. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Animal Welfare; Marine Mammals, Swim-with-the-Dolphin Programs [Docket No. 93-076-10] (RIN: 0579-AA59) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10835. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency Administrator of National Banks, transmitting the Office's final rule—Extended Examination Cycle for U.S. Branches and Agencies of Foreign Banks [Docket No. 98-11] (RIN: 1557-AB60) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10836. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Replacement Housing Factor in Modernization Funding [Docket No. FR-4125-F-02] (RIN: 2577-AB71) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10837. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Modification of Significant New Use Rules for Certain Substances [OPPTS-50631A, etc.; FRL-6019-2] (RIN: 2070-AB27) received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10838. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission [GC Docket No. 96-55] received September 2, 1998, pursuant to 5